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**ZONING HEARING APPLICATION
MIAMI-DADE COUNTY
DEPARTMENT OF PLANNING & ZONING**

LIST ALL FOLIO #S: 30-6812-000-0385

Date Received

- 1. NAME OF APPLICANT** (Provide complete name of applicant, exactly as recorded on deed, if applicable. If applicant is a lessee, an executed 'Owner's Sworn-to-Consent' and copy of a valid lease for 1 year or more is required. If the applicant is a corporation, trust, partnership, or like entity, a 'Disclosure of Interest' is required).

Royd Lemus

2. APPLICANT'S MAILING ADDRESS, TELEPHONE NUMBER:

Mailing Address: 8700 SW 100 Street

City: Miami State: Florida Zip: 33176 Phone#: _____

3. OWNER'S NAME, MAILING ADDRESS, TELEPHONE NUMBER:

Owner's Name (Provide name of ALL owners): Mailing Address: Royd Lemus and Raquel Lau

City: same as above State: _____ Zip: _____ Phone#: _____

4. CONTACT PERSON'S INFORMATION:

Name: Juan J. Mayol, Jr. Company: Holland & Knight LLP

Mailing Address: 701 Brickell Avenue, Suite 3000

City: Miami State: Florida Zip: 33131

Phone#: 305-789-7787 Fax#: 305-679-6302 E-mail: juan.mayol@hklaw.com

5. LEGAL DESCRIPTION OF ALL PROPERTY COVERED BY THE APPLICATION

(Provide complete legal description, i.e., lot, block, subdivision name, plat book & page number, or metes and bounds. Include section, township, range. If the application contains multiple rezoning requests, then a legal description for each sub-area must be provided. Attach separate sheets as needed. In addition to paper version it is requested that lengthy metes and bounds description be provided on disquette or compact disc in Microsoft Word or compatible software.)

See attached Exhibit "A"

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6. ADDRESS OR LOCATION OF PROPERTY (For location, use description such as NE corner of, etc.)

Southwest corner of the intersection of SW 177th Avenue and 208th Street

7. SIZE OF PROPERTY _____ ' x _____ ' (in acres): 2.5 gross acres
(divide total sq. ft. by 43,560 to obtain acreage)

8. DATE property ☐ acquired ☐ leased: 3/1999 9. Lease term: _____ years
(month & year)

10. IF CONTIGUOUS PROPERTY IS OWNED BY THE SUBJECT PROPERTY OWNER(S), provide complete legal description of said contiguous property. (See notes related to item 5.)

See Attached Exhibit "B"

11. Is there an option to purchase ☐ or lease ☐ the subject property or property contiguous thereto?
☒ no ☐ yes (If yes, identify potential purchaser or lessee and complete 'Disclosure of Interest' form)

12. PRESENT ZONING CLASSIFICATION: AU

13. APPLICATION REQUESTS (Check all that apply and describe nature of the request in space provided)

☒ District Boundary Changes (DBC) [Zone class requested]: BU-1A
☐ Unusual Use: _____
☒ Use Variance: _____
☐ Non-use Variance: _____
☐ Alternative Site Development: _____
☐ Special Exception: _____
☐ Modification of previous resolution/plan: _____
☐ Modification of Declaration or Covenant: _____

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BY

14. Has a public hearing been held on this property within the last year & a half? ☒ no ☐ yes.
If yes, provide applicant's name, date, purpose and result of hearing, and resolution number:

15. Is this application as a result of a violation notice? ☒ no ☐ yes. If yes, give name to whom the violation notice was served: _____ and describe the violation:

16. Describe structures on the property: Plant Nursery/Office Trailer

17. Is there any existing use on the property? ☐ no ☒ yes. If yes, what use and when established?

Use: Plant Nursery Year: 1999

APPLICANT'S AFFIDAVIT
(SELECT APPROPRIATE AFFIDAVIT AND NOTARIZE BELOW)

The Undersigned, first being duly sworn depose that all answers to the questions in this application, and all supplementary documents made a part of the application are honest and true to the best of (my)(our) knowledge and belief. (I)(We) understand this application must be complete and accurate before the application can be submitted and the hearing advertised.

OWNER OR TENANT AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the ☐ owner ☐ tenant of the property described and which is the subject matter of the proposed hearing.

(see notary below) _____

CORPORATION AFFIDAVIT

I, _____, being first duly sworn, depose and say that I am the ☐ President ☐ Vice-President ☐ Secretary ☐ Asst. Secretary of the aforesaid corporation, and as such, have been authorized by the corporation to file this application for public hearing; and that said corporation is the ☐ owner ☐ tenant of the property described herein and which is the subject matter of the proposed hearing.

Attest: _____

Authorized Signature

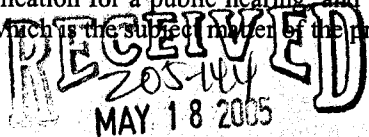
President/Director

(Corp. Seal)

Office Held

PARTNERSHIP AFFIDAVIT

(I)(WE), _____, being first duly sworn, depose and say that (I am)(we are) partners of the hereinafter named partnership, and as such, have been authorized to file this application for a public hearing; and that said partnership is the ☐ owner ☐ tenant of the property described herein which is the subject matter of the proposed hearing.



(Name of Partnership)

By _____
ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

By _____ %

By _____
BY _____

By _____ %

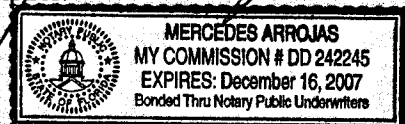
ATTORNEY AFFIDAVIT

I, Juan J. Mayol, being first duly sworn, depose and say that I am a State of Florida Attorney at Law, and I am the Attorney for the Owner of the property described and which is the subject matter of the proposed hearing.

Sworn to and subscribed to be me
this 18 day of May, 2005

Notary Public:

Commission expires: _____



RESPONSIBILITIES OF THE APPLICANT

I AM AWARE THAT:

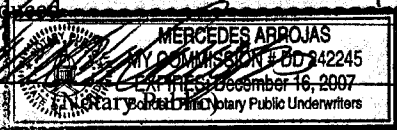
1. The Public Works Department, the Department of Environmental Resources Management (DERM), and other County agencies review and critique zoning hearing applications which may affect the scheduling and outcome of my hearing. These reviews may require additional hearings before DERM's Environmental Quality Control Board (EQCB), or other County boards, and/or the proffering of agreements to be recorded. I am also aware that I must comply promptly with any DERM or Public Works conditions and advise this office in writing if my application will be withdrawn.
2. Filing fees may not be the total cost of a hearing. Some requests require notices to be mailed to property owners up to a mile from the subject property. In addition to mailing costs, fees related to application changes, plan revisions, deferrals, re-advertising, etc., may be incurred. Applications withdrawn within 60 days of the filing are eligible for a refund of 50% of the hearing fee but after that time hearings withdrawn or returned will be ineligible for a refund. I understand that fees must be paid promptly.
3. I am responsible for obtaining any required permits and inspections for all structures and additions proposed, or built without permits. And that a Certificate of Use (C.U.) must be obtained for the use of the property after it has been approved at Zoning Hearing. Failure to obtain the required permits and/or C.U., Certificates of Completion (C.C.) or Certificate of Occupancy (C.O.) will result in enforcement action against any occupant and owner. Submittal of the Zoning Hearing application may not forestall enforcement action against the property.
4. The 3rd District Court of Appeal has ruled that zoning applications inconsistent with the Comprehensive Development Master Plan (CDMP) cannot be approved by a zoning board based upon considerations of fundamental fairness. Therefore, I acknowledge that if the hearing request is inconsistent with the CDMP and I decide to go forward then my hearing request can only be denied or deferred, but not approved.
5. In Miami-Dade County v. Omnipoint Holdings, Inc., Case No. 3D01-2347 (Fla. 3rd DCA 2002), the 3rd District Court of Appeal has held invalid the standards for non-use variances, special exceptions, unusual uses, new uses requiring a public hearing and modification of conditions and covenants. The County Attorney's Office is seeking review of the decision in the Florida Supreme Court, as well as a stay of the decision's effect. While the case is pending, the decision is in effect and binding on all parties. Its impact is to suspend consideration of zoning applications for most special exceptions, unusual uses, non-use variances, and modification of conditions and covenants. In the interim, County staff have developed and proposed to the Board of County Commissioners certain ordinances that would provide interim standards for limited categories of applications. If these standards are enacted, certain applications may be able to proceed to hearing. However, absent a reversal by the courts or enactment of revised regulations, pending applications will not be able to proceed to hearing until the disposition of the pending litigation.
6. Any covenant to be proffered must be submitted to the Department's Legal Advisor, on County form, at least 1 month prior to the hearing date. The covenant will be reviewed and the applicant will be notified if changes or corrections are necessary. Once the covenant is acceptable, the applicant is responsible to submit the executed covenant with a current 'Opinion of Title' within 1 week of the hearing. Legal Advisor can advise as to additional requirements applicable to foreign corporations. Documents submitted to Legal Advisor must carry a cover letter indicating subject matter, application number and hearing date. Legal Advisor may be reached at (305) 375-3075

(Applicant's Signature)

Royd Lemus

(Print Name)

Sworn to and subscribed before me this 9 day of May, 2005 Affiant is personally known to me or has produced _____ as identification.



My commission expires _____



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY Alt

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF Florida

Public Hearing No. _____

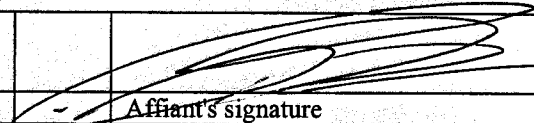
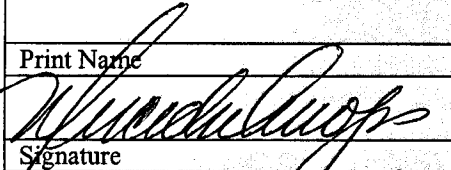
COUNTY OF Miami-Dade

Before me, the undersigned authority, personally appeared Royd Lemus, hereinafter the Affiant, who being duly sworn by me, on oath, deposes and says:

1. Affiant is the fee owner of the property, which is the subject of the proposed hearing.
2. The subject property is legally described as:

See attached exhibit "A"

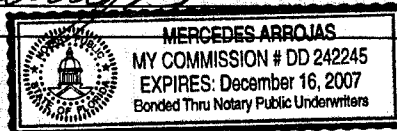
3. Affiant understands this affidavit is subject to the penalties of law for perjury and the possibility of voiding of any zoning granted at public hearing.

<u>Witnesses:</u>		
Signature		 Affiant's signature
Print Name		Royd Lemus Print Name
Signature		
Print Name	Mercedes Arrojas	

Sworn to and subscribed before me on the 9 day of May, 2005. Affiant is personally known to me or has produced _____ as identification.

Notary Public-State of _____

My Commission Expires: 12/16/07



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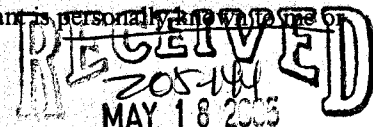
(Applicant's Signature)

Raquel Lau
(Print Name)

Sworn to and subscribed before me this 9 day of May, 2005. Affiant is personally known to me or has produced _____ as identification.

(Notary Public)

My commission expires _____



ZONING HEARINGS SECTION
MIAMI-DADE PLANNING AND ZONING DEPT.

BY _____

**OWNERSHIP AFFIDAVIT
FOR
INDIVIDUAL**

STATE OF Florida

Public Hearing No. _____

COUNTY OF Miami-Dade

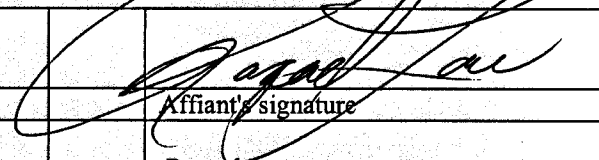
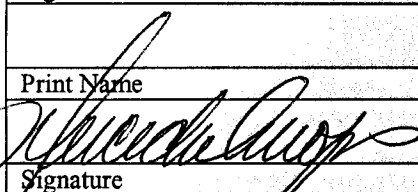
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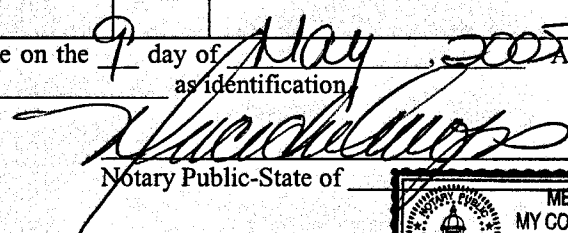
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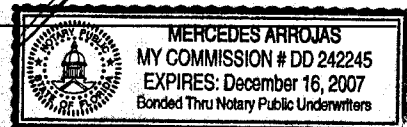
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<u>Witnesses:</u>	
Signature	 Affiant's signature
Print Name	Raquel Lau Print Name
Signature	
Print Name	Mercedes Arrojas Print Name

Sworn to and subscribed before me on the 9 day of May, 2005 Affiant is personally known to me or has produced _____ as identification


Notary Public-State of _____

My Commission Expires: 12/16/07



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BY AL